



# WASHOE COUNTY

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CM/ACM \_\_\_\_\_  
Finance DN  
DA \_\_\_\_\_ ✓  
Risk Mgt. DC  
HR N/A  
Other N/A

## STAFF REPORT

**BOARD MEETING DATE: June 23, 2015**

**DATE:** June 1, 2015  
**TO:** Board of County Commissioners  
**FROM:** Roger Pelham, Senior Planner, Planning and Development  
Community Services Department, 328-3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)  
**THROUGH:** William H. Whitney, Division Director, Planning and Development  
Community Services Department, 328-3617, [bwhitney@washoecounty.us](mailto:bwhitney@washoecounty.us)  
**SUBJECT:** Possible action pursuant to NRS 278.0205 and WCC 110.814.40 to approve (1) Cancellation of development agreements pertaining to the former Eagle Canyon IV, Eagle Canyon V and Eagle Canyon VI Subdivisions (DA07-001 as amended by AC09-006, DA08-004 as amended by AC09-003, and DA08-007 as amended by AC09-005); and (2) Release of the obligations applicable to the property described in those agreements created by the ordinances adopted to effect those agreements (Ordinance numbers 1427, 1430, 1365, 1429, all recorded on September 15, 2010, and Ordinance number 1391, recorded on September 22, 2010); and (3) Signature by the Chair of a Notice of Action to Cancel Development Agreements and Release Obligation of Associated Ordinances for recording.

Applicant / Property Owner: Spanish Springs Associates, attn.: Jesse Haw, 550 W. Plumb Lane, Suite B #505, Reno, NV 89509  
Location: Spanish Springs, north of Eagle Canyon Drive and west of Pyramid Highway  
Assessor's Parcel Nos: 532-020-13; 532-120-01; 532-020-17  
Total Parcel Size: ±384 acres  
Master Plan Category: Suburban Residential  
Regulatory Zone: Medium Density Suburban  
Area Plan: Spanish Springs  
Citizen Advisory Board: Spanish Springs  
Development Code: Article 814, Development Agreements  
Section/Township/Range: Generally within Sections 22, 23, 26 & 27, T 21N, R 20E, MDM

(Commission District 4).

AGENDA ITEM # 8

## **SUMMARY**

The applicant is requesting that the Board of County Commissioners (Board) consent to cancel Development Agreements, approved as ordinances numbered: 1430, 1427, 1365, 1429 (recorded 9/15/2010) and 1391 (recorded 9/22/2010) which extended the deadlines for filing final maps in connection with certain tentative subdivision maps and which are no longer needed.

The agreements proposed for cancellation by the developers of the applicable property were originally entered into to extend the life of tentative maps in the project, but those tentative maps have since been superseded by a new tentative map or maps.

Washoe County Strategic Objective supported by this item: Economic development and diversification.

## **PREVIOUS ACTION**

Eagle Canyon IV: In April of 2008 the Board approved Development Agreement Case No. DA08-004 for Eagle Canyon IV for Tentative Subdivision Map Case No. TM03-006 which was previously approved by the Washoe County Planning Commission. The sole purpose of the Development Agreement was to extend the expiration date of that subdivision map until May 20, 2010. In January of 2010 the Board approved Amendment of Conditions Case Number AC09-003, which extended the previous approval until May 20, 2012 with a possible extension until May 20, 2014.

Eagle Canyon V: In June of 2007 the Board approved Development Agreement Case No. DA07-001 for Eagle Canyon V Tentative Subdivision Map Case No. TM05-017 which was previously approved by the Washoe County Planning Commission. The sole purpose of the Development Agreement was to extend the expiration date of that subdivision map until February 24, 2010. In January of 2010 the Board approved Amendment of Conditions Case Number AC09-006, which extended the previous approval until February 24, 2012 with a possible extension until February 24, 2014.

Eagle Canyon VI: In January of 2009, the Board approved Development Agreement Case No. DA08-007 for Eagle Canyon VI, Tentative Subdivision Map Case No. TM06-008, which was previously approved by the Board of County Commissioners. The sole purpose of the Development Agreement was to extend the expiration date of that subdivision map for five years from the date of signing of the Ordinance by the Board of County Commissioners. In January of 2010 the Board approved Amendment of Conditions Case Number AC09-005, the sole purpose of the amendment to the Development Agreement was to extend the expiration of the Tentative Subdivision Map until February 24, 2012, with a possible extension until February 24, 2014.

## **BACKGROUND**

During the recent economic recession the Board approved several Development Agreements for several property owners with the intent of maintaining the approvals of tentative subdivision maps. Three of those maps are located in the Eagle Canyon area of Spanish Springs. As the economy has improved final subdivision maps have been recorded in some areas and new tentative maps have been approved in other areas. In all three cases, the Development Agreements are no longer needed and have been superseded by subsequent events. The Development Code anticipates the need for the

cancellation of Development Agreements and provides that, “A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest...” [WCC110.814.40] The applicant has requested such cancellation and staff is in agreement that the need for those agreements no longer exists. For that reason staff recommends that the Board of County Commissioners consent to the cancellation of the three agreements.

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended that the Board of County Commissioners consent to cancel Development Agreements, approved as ordinances numbered: 1430, 1427, 1365, 1429 (recorded 9/15/2010) and 1391 (recorded 9/22/2010).

**POSSIBLE MOTION**

I move that the Board of County Commissioners approve, pursuant to NRS 278.0205 and WCC 110.814.40 and related provisions:

- (1) Cancellation of development agreements pertaining to the former Eagle Canyon IV, Eagle Canyon V and Eagle Canyon VI Subdivisions (DA07-001 as amended by AC09-006, DA08-004 as amended by AC09-003, and DA08-007 as amended by AC09-005);
- (2) Release of the obligations applicable to the property described in those agreements created by the ordinances adopted to effect those agreements (Ordinance numbers 1427, 1430, 1365, 1429, all recorded on September 15, 2010, and Ordinance number 1391, recorded on September 22, 2010); and
- (3) Signature by the Chair of a Notice of Action to Cancel Development Agreements and Release Obligation of Associated Ordinances for recording, a copy of which is attached as Exhibit A to the Staff Report dated June 1, 2015.

Attachment: Exhibit A: “Notice of Action to Cancel Development Agreements and Release Obligation of Associated Ordinances”

**NOTICE OF ACTION TO CANCEL DEVELOPMENT AGREEMENTS  
AND RELEASE OBLIGATIONS OF ASSOCIATED ORDINANCES**

Spanish Springs Associates Limited Partnership (“SSALP”) and the County of Washoe (“County”) executed the development agreements (collectively, “Development Agreements”) listed below. MS Rialto Eagle Canyon North NV, LLC also was a party to the two development agreements for Eagle Canyon IV listed below. The Development Agreements were executed pursuant to NRS 278.0201 and Article 814 of the Washoe County Development Code and recorded in the office of the Recorder of Washoe County, Nevada as follows:

1. Eagle Canyon IV Subdivision.
  - a. that certain Agreement recorded on May 7, 2008 as Document No. 3647674; and
  - b. that certain Amended And Restated Agreement recorded on February 25, 2010 as Document No. 3852809.
  
2. Eagle Canyon V Subdivision.
  - a. that certain Agreement recorded on August 16, 2007 as Document No. 3566291; and
  - b. that certain Amended And Restated Agreement recorded on February 25, 2010 as Document No. 3852806.
  
3. Eagle Canyon VI Subdivision.
  - a. that certain Agreement recorded on February 24, 2009 as Document No. 3732550; and
  - b. that certain Amended And Restated Agreement recorded on February 25, 2010 as Document No. 3852808.

The following ordinances (collectively, “Ordinances”) were enacted by County in order to adopt the respective Development Agreements and recorded in the office of the Recorder of Washoe County, Nevada pursuant to NRS 278.0203 and 278.0207 and Article 814 of the Washoe County Development Code:

1. Eagle Canyon IV Subdivision.
  - a. that certain Ordinance 1427 recorded on September 15, 2010 as Document No. 3922546; and
  - b. that certain Ordinance 1365 recorded September 15, 2010 as Document No. 3922548.
  
2. Eagle Canyon V Subdivision.
  - a. that certain Ordinance 1430 recorded on September 15, 2010 as Document No. 3922543.

3. Eagle Canyon VI Subdivision.

- a. that certain Ordinance 1429 recorded on September 15, 2010 as Document No. 3922544; and
- b. that certain Ordinance 1391 recorded on September 22, 2010 as Document No. 3924766.

County and SSALP agree by mutual consent to cancel all Development Agreements pursuant to NRS 278.0205 and Section 110.814.40 of the Washoe County Development Code, and in addition to release all lien, charge and encumbrance of the Ordinances enacted in connection with those agreements against the real property described therein. The County hereby determines that cancellation of the Development Agreements is in the best interests of the County. MS Rialto Eagle Canyon North NV, LLC also agrees to the cancellation of the Development Agreements concerning the Eagle Canyon IV Subdivision to which it was a party, as well as to the release of all lien, charge and encumbrance of the Ordinances enacted in connection with those agreements against the real property described therein. The Chairperson of the Board of County Commissioners of County, the President of the General Partner, Hawco Development Company, of SSALP and the Nevada Manager for MS Rialto Eagle Canyon North NV, LLC, Lennar Reno, LLC, are hereby authorized to execute and record any notices or associated documents necessary to effectuate the purposes hereof.

[SIGNATURES ON NEXT PAGE]

**LANDOWNER:**

**SPANISH SPRINGS ASSOCIATES  
LIMITED PARTNERSHIP, a Nevada  
limited partnership**

By: Hawco Development Company,  
a Nevada corporation, General  
Partner

By: \_\_\_\_\_  
JESSE HAW, President

Date: \_\_\_\_\_

**MS RIALTO EAGLE CANYON  
NORTH NV, LLC, a Delaware limited  
liability company**

By: MS RIALTO RESIDENTIAL  
HOLDINGS, LLC, a Delaware limited  
liability company, its member

By: MSR HOLDING COMPANY, LLC, a  
Delaware limited liability company, its  
member

By: LENNAR RENO, LLC, a Nevada  
limited liability company, its Nevada  
Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY:**

**COUNTY OF WASHOE, a political  
subdivision of the State of Nevada, by its  
BOARD OF WASHOE COUNTY  
COMMISSIONERS**

By: \_\_\_\_\_  
MARSHA BERKBIGLER, Chair

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
NANCY PARENT, County Clerk